

Belk, Inc., et al. v. Meyer Corporation, U.S., et al.,
Case No. 3:07-CV-168

UPDATED DEFENDANTS' TRIAL EXHIBIT LIST¹²³⁴

<u>Exhibit No.</u>	<u>Description</u>	<u>Stipulation – Authenticity</u>	<u>Stipulation – Admissibility</u>	<u>Objections</u>	<u>Identified By</u>	<u>Admitted</u>
D-1	Meyer cookware ads from “The Gourmet Retailer” 5/01					
D-2	Internet website printout showing Anolon cookware line offered for sale 8/1/01					
D-3	Meyer cookware ads from “The Gourmet Retailer” 9/01					
D-4	Letter to Assistant Commissioner for Trademarks from Lanahan & Reilley dated 9/6/02					
D-5	Proposal Anolon and Michael Chiraello 3/10/03					
D-6	Meyer Corporation & Belk Presentation (11/18/03)					
D-7	Blue Painters’ Tape Likelihood of Confusion Survey					
D-8	Meyer’s design patent D493,061					

¹ Defendants expressly reserve the right to supplement and amend this Exhibit List, including demonstrative exhibits. Defendants further reserve the right to use any exhibit listed by Plaintiffs in Plaintiffs’ exhibit list during the trial of this matter.

² Defendants further reserve the right to supplement any exhibits subject to motions in limine pending ruling on any such motions.

³ Defendants further reserve the right to supplement and amend this Exhibit List to include any documents used during any depositions of Hy Cite Corporation witnesses; and to supplement and amend this Exhibit List to include any other documents that may be necessary to clarify, explain, or that otherwise flow from any testimony or exhibits which become the subject of any Hy Cite Corporation production or deposition testimony.

⁴ Defendants further reserve the right to use as an exhibit at trial any exhibit used in any deposition taken in this matter.

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D-9	Meyer's design patent D497,513					
D-10	Belk Responses of 3/8/05					
D-11	Meyer's design patent D505,046					
D-12	Licensing Agreement between Biltmore and Belk dated 6/27/05					
D-13	Emails to and from Rosebrock dated 6/28/05, 7/5/05, 2/28/06, 7/18/07					
D-14	Meyer's design patent D507,931					
D-15	Meyer Corporation & Belk Presentation (8/04/05)					
D-16	Snoozies tags					
D-17	Emails from Kelly to Lee dated 11/2/05					
D-18	Emails to and from Kelly dated 11/3/05 and 11/2/05					
D-19	Email from Kelly dated 12/28/05					
D-20	Emails to and from Kelly dated 12/29/05					
D-21	Email to and from Kelly and Lee dated 1/4/06; 12/30/05; 12/29/05; 12/28/05					
D-22	Biltmore notes regarding Belk cookware dated 2/17/06					
D-23	Email from Vander Voort to Restaino dated 2/17/06					
D-24	News Release "Biltmore Estate and Belk Partner to Offer Branded Products" dated 3/1/06					
D-25	Email from Kelly to Lee dated 3/2/06					
D-26	Emails to and from Kelly dated 3/27/06					

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D-27	Emails to and from Kelly, Lee, Dimartino dated 4/4/06					
D-28	Emails to and from Kelly and Lee dated 4/14/06; 4/13/06; 4/12/06; 3/30/06; 3/29/06					
D-29	Style Performance August 2006 – December 2008, Projected January 2009 thru March 2009 for Biltmore Estate					
D-30	Emails to and from Kelly, Parks Beard dated 8/7/06					
D-31	Emails to and from Kelly, Lee, Ho, Chang dated 8/10/06; 7/3/06; 6/30/06; 6/28/06; 6/27/06					
D-32	Email from Kelly to Edwards dated 12/20/06					
D-33	3/4/07 Belk ads					
D-34	Letter from Krause to Ross Pitts dated 4/5/07					
D-35	Email from Leung to Spivey dated 5/9/07					
D-36	Meyer Fall 2007 Belk Meeting Presentation dated 6/26/07					
D-37	Email from Wong to Brummell dated 7/4/07					
D-38	Emails to and from Kelly and Lee dated 9/28/07 and 9/27/07					
D-39	Standard & Poor's Report on Ni Hsin Resources dated 12/10/07					
D-40	Belk, Inc. 10-K for the fiscal year ended 2/2/08					

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D-41	Photographs of the Bonanza showroom					
D-42	Email from Bank to Abrahamson dated 3/9/08					
D-43	Biltmore 10-pc Stainless Set and Open Stock sales report (dated 4/21/08)					
D-44	Pictures of Snoozies					
D-45	Email from Bank to Abrahamson dated 4/28/08					
D-46	Email from Abrahamson to Bank dated 5/1/08					
D-47	Email from Bank to Abrahamson dated 5/7/08					
D-48	Email from Bank to Abrahamson dated 5/27/08					
D-49	Biltmore For Your Home website printouts (printed 5/30/08)					
D-50	Emails to and from Enns and Dupont (dated 6/20/08-8/29/08)					
D-51	Sales from August 6, 2006 thru June 26, 2008					
D-52	Invoice from Dupont to Enns dated 7/18/08					
D-53	Emails to and from Holmes and Bank dated 7/29/08					
D-54	Invoice from Dupont to Enns dated 8/25/08					
D-55	Cookware study by Didow					
D-56	Report of Cobb & Associates, Ltd.					

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D-57	Article from Cookware Manufacturers Association website (printed 10/28/08)					
D-58	Belk, Inc. 10-Q filed for the quarterly period ended 11/1/08					
D-59	Email from Bank to Abrahamson, Tyson dated 11/23/08					
D-60	Sales report, week ending 11/29/08					
D-61	Belk, Inc. Reports Third Quarter Operating Results (News Release dated 12/3/08)					
D-62	Email from Bruton to info@snooziesforyou.com dated 12/4/08					
D-63	Email from Bank to Abrahamson, Tyson dated 12/12/08					
D-64	12/22/08 News and Observer article					
D-65	12/22/08 News and Observer article					
D-66	Email from Bank to Abrahamson, Tyson dated 12/22/08					
D-67	Belk.com website printouts of Biltmore For Your Home 10pc Stainless, Tri-ply and Copper Cookware Sets (printed 9/29/08)					
D-68	Bank's design patent for slipper D598,183					
D-69	Sales report, week ending 11/17/09					
D-70	ISP statistics pages for www.snoozies.com (printed 1/8/10)					

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D-71	Complaint and exhibits to the complaint filed in <i>Buyer's Direct Inc. v. Belk, Inc. and Belk International, Inc.</i> , No. 5:10-cv-00065-H (E.D.N.C.)					
D-72	Bonanza Metalware Limited's statement dated 4/20/10					
D-73	Snoozie ads					
D-74	Pictures of Biltmore Estate cookware					
D-75	Macys.com and amazon.com website printouts (Anolon cookware)					
D-76	Meyer.com website printouts					
D-77	Anolon.com website printouts					
D-78	Detailed order commitment					
D-79	Patent printout of Snoozies					
D-80	Snoozies product, peace sign (demonstrative exhibit)					
D-81	Footsies product, peace sign (demonstrative exhibit)					
D-82	Snoozies product, leopard print (demonstrative exhibit)					
D-83	Footsies product, leopard print (demonstrative exhibit)					
D-84	Snoozies product, dog paw print (demonstrative exhibit)					
D-85	Footsies product, dog paw print (demonstrative exhibit)					
D-86	Snoozies product, zebra print (demonstrative exhibit)					
D-87	Footsies product, zebra print (demonstrative exhibit)					

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D-88	Footsies product, paint splatter (demonstrative exhibit)					
D-89	Web site ad for Footsies					
D-90	Web site ad, zoomed out					
D-91	Web site ad for Snoozies					
D-92	Photographs of cookware components					
D-93	Photograph of cookware handles					
D-94	Photographs of Biltmore cookware					
D-95	Front cover to Biltmore cookware booklet					
D-96	Biltmore cookware information					
D-97	Photograph showing cookware handle					
D-98	Photograph showing cookware handle					
D-99	Photograph showing cookware lid - 21					
D-100	Photograph showing cookware handle					
D-101	Belk's Sales Information					
D-102	Thum Suden's presentation "Private Brands"					
D-103	Biltmore Estate cookware and recipe booklet					
D-104	Pictures of handles					
D-105	Pictures of handles					
D-106	Photograph showing cookware					
D-107	Photograph showing handles					
D-108	Belk Home – Food Prep Approvals and sketch details for Biltmore Estate cookware					

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D-109	Time schedule for #8270201 – 10 pc cookware set					
D-110	Retail Box for 10-piece Biltmore For Your Home Cookware Set					
D-111	Picture of Anolon cookware					
D-112	Meyer standard prices and 2002 sales order history					
D-113	Picture of cookware					
D-114	Picture of Anolon handle					
D-115	Drawings of the handle					
D-116	Anolon sell sheet/ad					
D-117	Cookware ad					
D-118	White Binder with Case Documentation					
D-119	Belk Timeline					
D-120	Photograph of cookware					
D-121	Photographs of cookware					
D-122	Emails to and from Rosebrock and Thum Suden dated 3/10-8/05					
D-123	Photographs of cookware					
D-124	Biltmore Bistro Chef Interview					
D-125	Newspaper Article “Belk still in a legal stew with cookware firm”					
D-126	Photograph of utensils					
D-127	Cookware study screener					
D-128	Picture of cookware					
D-129	Portion of The Gourmet Retailer 2001 Holiday Gift Guide					
D-130	Anolon cookware (demonstrative exhibit)*					

* Defendants will supply relevant SKU numbers.

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D-131	Biltmore Estate cookware (demonstrative exhibit)*					
D-132	Pages from trademark application for Anolon handle					
D-133	Article “From Meyer: Non Stick Pots OK to Stick in Dishwashers”					
D-134	Ad from eBay					
D-135	Pages from JR’s Royal Prestige website					
D-136	Letter from Dean Krause to Sue Breedlove/Golden Gate Capital owns Lexicon and its “Olympia” line of cookware infringes MIP design patent only Hy Cite authorized to use dated 4/23/07					
D-137	Photo of Olympia Cookware from www.cocinaolympia.com website dated 4/17/07					
D-138	Settlement Agreement between Lexicon Marketing and Meyer Intellectual Properties Limited (7/12/07)					
D-139	Hy Cite Corporation website - home page (captured 4/6/2010)					
D-140	Hy Cite Corporation website – Products Page (captured 4/6/2010)					
D-141	Royal Prestige website (several pages) (captured 4/6/2010)					
D-142	Royal Prestige Color Catalog – April 2009 & July 2009					